

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL DEAN HAMILTON, et al.)
Plaintiff,)
v.) No. 4:10-CV-00712
CITY OF OVERLAND, et al.)
Defendants.)

ORDER AND JUDGMENT APPROVING SETTLEMENT

Plaintiffs Motion to Approve Wrongful Death Settlement, is called for hearing, plaintiff Michael Hamilton appearing in person as Executor of the Estate and Personal Representative of Kenneth Hamilton, and representative for the Wrongful Death Class, and plaintiffs Joseph Hamilton, Anthony Hamilton, and Patricia Weaver appearing by counsel, and Defendants appearing by counsel, and after duly examining the pleadings and hearing statements of counsel and Plaintiff Michael Hamilton, and other proof and evidence adduced and, being fully advised in the premises, the Court finds:

1. That Plaintiffs' decedent, Kenneth Hamilton, had no surviving parents or children and was unmarried the time of his death, and that plaintiffs Michael Hamilton, Joseph Hamilton, Anthony Hamilton, and Patricia Weaver are the only surviving siblings of Kenneth Hamilton, and that Plaintiffs are the sole members of the class entitled to bring this cause of action and collect damages for the wrongful death of Kenneth Hamilton under Mo. Rev. Stat. §537.080.

2. That Plaintiffs have reached a confidential settlement agreement with Defendant Andrew Ringiesen and wish to avoid further litigation in this matter, and the Court has

reviewed the Settlement Agreement, which has been retained by the parties, and the Court finds that the settlement is made in good faith, is fair and reasonable, and is in the best interest of Plaintiffs, and is a full and complete settlement of all claims against all Defendants.

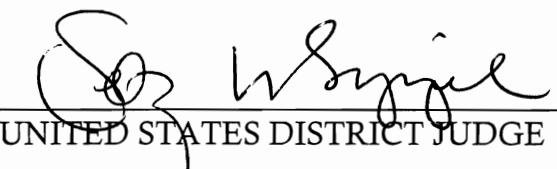
3. The Court has reviewed Plaintiffs Stipulated Distribution of Settlement Proceeds, which has been retained by the Parties, and finds that the distribution setforth therein is fair and reasonable.

IT IS HEREBY ORDERED:

- A. The proposed Wrongful Death Settlement is **APPROVED**.
- B. That plaintiff Michael Hamilton shall collect payment of the settlement, and that attorneys' fees and expenses shall be paid from the total settlement and the remaining settlement funds shall be distributed equally between plaintiffs Michael Hamilton, Joseph Hamilton, Anthony Hamilton, and Patricia Weaver, as setforth in Plaintiffs Stipulated Distribution of Settlement Proceeds.
- C. The Court finds that no bond is required of plaintiff Michael Hamilton for the collection and distribution of the proceeds.
- D. That Plaintiffs shall dismiss with prejudice all claims and causes of action against Defendants, with defendant Ringeisen to pay Plaintiffs' costs.
each party to pay their own costs.

Dated this 28th day of February, 2011.

RWD
TPZ
RJK



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UNITED STATES DISTRICT JUDGE